

EXHIBIT A

EXHIBIT A

1 SEAN P. HEALY, SB #018393
Sean.Healy@lewisbrisbois.com
2 ERIC L. COOK, SB #020797
Eric.Cook@lewisbrisbois.com
3 **LEWIS BRISBOIS BISGAARD & SMITH LLP**
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6 Firm email: azdocketing@lewisbrisbois.com
Attorneys for Defendants E Union Hills AZ Partners, LLC and
7 *Cortland Management, LLC*

8
9 **SUPERIOR COURT OF THE STATE OF ARIZONA**
10 **COUNTY OF MARICOPA**

11 DEDRICK LAVERGNE, an individual,
12
13 Plaintiff,
14
15 vs.

Case No. CV2022-007544

**NOTICE OF FILING NOTICE
OF REMOVAL**

(Assigned to The Honorable Timothy Ryan)

16 PINNACLE APTS, LLC dba CORTLAND
17 DESERT RIDGE; E UNION HILLS AZ
18 PARTNERS, LLC dba CORTLAND
19 DESERT RIDGE; PURE PINNACLE
20 APTS, LLC dba CORTLAND DESERT
21 RIDGE; PINNACLE APARTMENTS
SPE, LLC dba CORTLAND DESERT
RIDGE, a foreign Limited Liability
Company; CORTLAND APARTMENTS
PARTNERSHIP, LLC, a Domestic
Limited Liability Company; et al.,
22 Defendants.

TO PLAINTIFF AND HIS RESPECTIVE ATTORNEY OF RECORD:

23 PLEASE TAKE NOTICE that under 28 U.S.C. §1446(d), Defendants E Union Hills
24 AZ Partners, LLC and Cortland Management, LLC,¹ filed with the Clerk of the Court for
25 the United States District Court for the District of Arizona the attached Notice of Removal
26

27 ¹ Plaintiff amended the Complaint to only list E Union Hills AZ Partners, LLC and Cortland
28 Management, LLC as defendants.

1 of the action pending in the Superior Court of the State of Arizona for the County of
2 Maricopa entitled *Dedrick Lavergne v. Pinnacle Apts, LLC, dba Courtland Desert Ridge; E*
3 *Union Hills AZ Partners, LLC dba Courtland Desert Ridge, et al.*, Case No. CV2022-
4 007544 to the United States District Court for the District of Arizona. (Exhibit A). As a
5 result, this Court is divested of jurisdiction and must stop all proceedings unless and until
6 the case is remanded. 28 U.S. Code § 1446(d).

7 DATED this 21st day of April, 2023.

8 **LEWIS BRISBOIS BISGAARD & SMITH LLP**

9
10
11 By: /s/ Eric L. Cook

12 Sean P. Healy
13 Eric L. Cook
14 *Attorneys for Defendants E Union Hills*
AZ Partners, LLC, and Cortland
Management, LLC

15 E-filed this 21st day of April, 2023, with
16 The Maricopa County Superior Court

17 COPY e-mailed this 21st day of April, 2023, to:

18 Mark P. Breyer
19 Edward M. Ladley
20 BREYER LAW OFFICES, P.C.
21 3840 East Ray Road
Phoenix, AZ 85044
minutes@breyerlaw.com
edward@breyerlaw.com
Attorneys for Plaintiff

22 /s/ Laura M. Nagelkirk

23 37986-7055

EXHIBIT B

EXHIBIT B

**In the Superior Court of the State of Arizona
In and For the County of Maricopa**

Clerk of the Superior Court
*** Electronically Filed ***
C. Cuellar, Deputy
6/13/2022 1:57:45 PM
Filing ID 14428660

Plaintiff's Attorneys:

Mark P Breyer
Bar Number: 016862, issuing State: AZ
Law Firm: Breyer Law Offices
3840 E. Ray Road
Phoenix, AZ 85044
Telephone Number: (480)387-5747
Email address: christina@breyerlaw.com

CV2022-007544

Edward M. Ladley - Primary Attorney
Bar Number: 018829, issuing State: AZ
Law Firm: Breyer Law Offices
Telephone Number: (480)387-5747

Plaintiff:

Dedrick Lavergne
3840 E. Ray Road
Phoenix, AZ 85044
Telephone Number: (480)387-5747
Email address: christina@breyerlaw.com

Defendants:

Pinnacle Apartments SPE, LLC
8825 N 23rd Ave, Suite 100
Phoenix, AZ 85021

Cortland Apartments Partnership, LLC
HOOPES, ADAMS & SCHARBER 2410 W. RAY RD. Suite 1
Chandler, AZ 85224

Cortland Desert Ridge
4750 E. Union Hills Drive
Phoenix, AZ 85050

Discovery Tier t3

Case Category: Tort Non-Motor Vehicle
Case Subcategory: Premises Liability

1 Mark P. Breyer (Bar No. 016862)
2 Edward M. Ladley (Bar No. 018829)
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8 Attorneys for Plaintiff

9
10
11 **SUPERIOR COURT OF THE STATE OF ARIZONA**

12 **COUNTY OF MARICOPA**

13 Dedrick Lavergne, an individual,

No. CV2022-007544

14 vs.

15 **COMPLAINT**

16 **(Tort - Premise)**

17 PINNACLE APARTMENTS SPE, LLC
18 dba CORTLAND DESERT RIDGE, a
19 foreign Limited Liability Company;
20 CORTLAND APARTMENTS
21 PARTNERSHIP LLC, a Domestic
22 Limited Liability Company, JOHN and
23 JANE DOES 1-5; ABC COMPANIES 1-
24 5; ABC CORPORATIONS 1-5,

25 Defendants.

26 Plaintiff, Dedrick Lavergne, by and through undersigned counsel, for his complaint
against the Defendants named herein alleges as follows:

1. Plaintiff Dedrick Lavergne was, at all times relevant to this action, a
resident of Maricopa County, Arizona. At the time of the incident described herein,
Plaintiff was married and continues to be married at this time.

1 2. Defendant Pinnacle Apartments, SPE, LLC dba Cortland Desert Ridge is a
2 foreign Limited Liability Company doing business in Maricopa County, Arizona.

3 3. Defendant Cortland Apartments Partnership, LLC, is a domestic limited
4 liability company doing business in Maricopa County, Arizona.

5 4. John and Jane Does 1-5 and ABC Corporations 1-5 are persons or entities
6 whose conduct, true names and identities are unknown at this time. Plaintiff requests
7 leave to amend this pleading when that information is discovered.

8 5. The acts and omissions complained of herein occurred in Maricopa County,
9 Arizona, within the jurisdiction of this Court.

10 6. Jurisdiction and venue are appropriate in this Court. The amount in
11 controversy exceeds the minimal jurisdictional limits of this Court.

12 7. On or about June 29, 2021, Defendant Pinnacle Apartments, SPE, LLC dba
13 Cortland Desert Ridge and/or Cortland Apartments Partnership, LLC, hired Blue On
14 Electric Company and/or BG/InStaff Personnel, LLC for an electrical repair project at
15 Cortland Desert Ridge, an apartment community located at 4750 East Union Hills Drive
16 in Phoenix, Arizona ("the project").

17 8. On or about June 29, 2021, Plaintiff Dedrick Lavergne was working with
18 Blue On Electric Company and/or BG/InStaff Personnel, LLC, as a technician on the
19 project.

20 9. As part of his assigned work at the project, Plaintiff Dedrick Lavergne was
21 to disconnect the 240 volt power going into the HVAC units in order to have the Freon
22 replaced in the units. When Plaintiff Dedrick Lavergne pulled on the switch to the
23 disconnect box, he received an electric shock going from his hand up through his left eye
24 and also down and through his rectum. Plaintiff Dedrick Lavergne has permanent vision
25 loss in his left eye, in addition to other injuries, as a result of this incident.

26

1 10. The Defendants, and each of them, negligently created an unsafe condition
2 related to the HVAC electrical system and/or disconnect box. The Defendants knew or
3 should have known that they created or allowed to exist a hazardous and dangerous
4 situation in which a member of the general public could be injured as a result.

5 11. The condition of the project, the instrumentalities utilized at the project, as
6 well as the supervision provided and/or instruction given by the Defendants related to the
7 project on June 29, 2021, were the result of negligence, carelessness, and recklessness of
8 all the Defendants, their agents, servants and/or employees.

9 12. Upon information and belief, the Defendants and each of them, were aware
10 of and had both actual and constructive notice of the work site conditions, the
11 instrumentalities utilized to perform the work at the project, as well as, the supervision
12 provided and/or instruction given at the project, but at all times failed to take any
13 measures to notify and/or warn Dedrick Lavergne and the general public, as well as other
14 subcontractors, of the dangerous worksite conditions, and dangerous instrumentalities
15 utilized to perform the work at the site which caused the incident that led to the injuries
16 sustained by Dedrick Lavergne.

17 13. As an actual, direct and proximate result of the Defendants' negligence,
18 and each of them, Dedrick Lavergne suffered to date and will, to a reasonable probability,
19 continue to suffer in the future, damages for pain, discomfort, suffering, disability,
20 emotional stress and anxiety.

21 14. As an actual, direct and proximate result of the Defendants' negligence,
22 and each of them, Dedrick Lavergne, suffered to date and will, to a reasonable
23 probability, continue to suffer in the future, damages for permanent scarring and
24 disfigurement.

25 15. As an actual, direct and proximate result of the Defendants' negligence,
26 and each of them, Dedrick Lavergne has incurred reasonable expenses of necessary

1 medical care, treatment and services rendered and such expenses are reasonably probable
2 to be incurred in the future.

3 16. As an actual, direct and proximate result of the Defendants' negligence,
4 and each of them, Dedrick Lavergne has lost earnings to date and will experience a
5 decrease in earning power or capacity reasonably probable to occur in the future as well
6 as other special/economic damages, past and future.

7 17. As an actual, direct and proximate result of the Defendants' negligence,
8 and each of them, Dedrick Lavergne has sustained and will sustain to a reasonable
9 probability in the future, physical, emotional, and other financial losses.

10 18. As a direct and proximate result of the negligence, carelessness, and
11 failures and omissions by the Defendants, and each of them, Dedrick Lavergne suffered
12 a loss of consortium that includes, but is not limited to: loss of society; loss of affection;
13 loss of assistance; and/or loss of marital relations.

14 19. Defendants' conduct, and each of them, of maintaining the premises in an
15 extremely dangerous and hazardous condition showing a conscious disregard for the
16 health, welfare, and safety of others was a direct and proximate cause of the incident that
17 resulted in severe injuries to Dedrick Lavergne.

18 20. Defendants' conduct, and each of them, constitutes extreme and outrageous
19 conduct that displays a conscious disregard for the safety of others such that a jury may
20 award punitive damages against Defendants.

21 21. Plaintiff claims that the damages in this matter meet the criteria for Tier 3
22 as specified in Rule 26.2(c)(3), Arizona Rules of Civil Procedure.

23 **WHEREFORE**, Dedrick Lavergne prays for judgment against the Defendants as
24 follows:

25 A. For general compensatory damages in a just and reasonable amount;
26

1 B. For the reasonable value of special damages incurred to date and
2 those that will be incurred in the future for reasonable and necessary medical care;

3 C. For the reasonable value of special damages incurred to date and
4 those that will be incurred in the future for lost earnings or wages and future lost earnings
5 or wages;

6 D. For out of pocket expenses incurred;

7 E. For loss of consortium;

8 F. For punitive damages in an amount to be proven at trial;

9 G. For court costs incurred; and

10 H. For such other and further relief as the Court deems just and
11 proper.

12 Dated: June 13, 2022

13 **BREYER LAW OFFICES, P.C.**

14 
15

16 _____
17 Mark P. Breyer
18 Edward M. Ladley
19 3840 East Ray Road
20 Phoenix, Arizona 85044
21 Attorneys for Plaintiff

22
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211331

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2 Edward M. Ladley (Bar No. 018829)
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8 Attorneys for Plaintiff

9 **SUPERIOR COURT OF THE STATE OF ARIZONA**

10 **COUNTY OF MARICOPA**

11 Dedrick Lavergne, an individual,

No. CV2022-007544

12 vs.

13 **AMENDED COMPLAINT**

(Tort - Premise)

14 PINNACLE APTS, LLC dba
15 CORTLAND DESERT RIDGE; E
16 UNION HILLS AZ PARTNERS, LLC,
17 dba CORTLAND DESERT RIDGE;
18 PURE PINNACLE APTS, LLC dba
19 CORTLAND DESERT RIDGE;
20 PINNACLE APARTMENTS SPE, LLC
21 dba CORTLAND DESERT RIDGE, a
22 foreign Limited Liability Company;
23 CORTLAND APARTMENTS
24 PARTNERSHIP LLC, a Domestic
25 Limited Liability Company, JOHN and
26 JANE DOES 1-5; ABC COMPANIES 1-
5; ABC CORPORATIONS 1-5,

Defendants.

1 Plaintiff, Dedrick Lavergne, by and through undersigned counsel, for his complaint
2 against the Defendants named herein alleges as follows:

3 1. Plaintiff Dedrick Lavergne was, at all times relevant to this action, a
4 resident of Maricopa County, Arizona. At the time of the incident described herein,
5 Plaintiff was married and continues to be married at this time.

6 2. Defendant Pinnacle Apartments, SPE, LLC dba Cortland Desert Ridge is a
7 foreign Limited Liability Company doing business in Maricopa County, Arizona.

8 3. Defendant Cortland Apartments Partnership, LLC, is a domestic limited
9 liability company doing business in Maricopa County, Arizona.

10 4. Defendant Pinnacle Apts, LLC dba Cortland Desert Ridge is a foreign
11 Limited Liability Company doing business in Maricopa County, Arizona.

12 5. Defendant E Union Hills AZ Partners, LLC dba Cortland Desert Ridge is
13 a foreign Limited Liability Company doing business in Maricopa County, Arizona.

14 6. Defendant Pure Pinnacle Apts, LLC dba Cortland Desert Ridge is a foreign
15 Limited Liability Company doing business in Maricopa County, Arizona.

16 7. John and Jane Does 1-5 and ABC Corporations 1-5 are persons or entities
17 whose conduct, true names and identities are unknown at this time. Plaintiff requests
18 leave to amend this pleading when that information is discovered.

19 8. The acts and omissions complained of herein occurred in Maricopa County,
20 Arizona, within the jurisdiction of this Court.

21 9. Jurisdiction and venue are appropriate in this Court. The amount in
22 controversy exceeds the minimal jurisdictional limits of this Court.

23 10. On or about June 29, 2021, Defendant Pinnacle Apartments, SPE, LLC dba
24 Cortland Desert Ridge and/or Cortland Apartments Partnership, LLC, and/or Defendant
25 Pinnacle Apts, LLC dba Cortland Desert Ridge, and/or Defendant E Union Hills AZ
26 Partners, LLC dba Cortland Desert Ridge, and/or Defendant Pure Pinnacle Apts, LLC

1 dba Cortland Desert Ridge hired Blue On Electric Company and/or BG/InStaff
2 Personnel, LLC for an electrical repair project at Cortland Desert Ridge, an apartment
3 community located at 4750 East Union Hills Drive in Phoenix, Arizona ("the project").

4 11. On or about June 29, 2021, Plaintiff Dedrick Lavergne was working with
5 Blue On Electric Company and/or BG/InStaff Personnel, LLC, as a technician on the
6 project.

7 12. As part of his assigned work at the project, Plaintiff Dedrick Lavergne was
8 to disconnect the 240 volt power going into the HVAC units in order to have the Freon
9 replaced in the units. When Plaintiff Dedrick Lavergne pulled on the switch to the
10 disconnect box, he received an electric shock going from his hand up through his left eye
11 and also down and through his rectum. Plaintiff Dedrick Lavergne has permanent vision
12 loss in his left eye, in addition to other injuries, as a result of this incident.

13 13. The Defendants, and each of them, negligently created an unsafe condition
14 related to the HVAC electrical system and/or disconnect box. The Defendants knew or
15 should have known that they created or allowed to exist a hazardous and dangerous
16 situation in which a member of the general public could be injured as a result.

17 14. The condition of the project, the instrumentalities utilized at the project, as
18 well as the supervision provided and/or instruction given by the Defendants related to the
19 project on June 29, 2021, were the result of negligence, carelessness, and recklessness of
20 all the Defendants, their agents, servants and/or employees.

21 15. Upon information and belief, the Defendants and each of them, were aware
22 of and had both actual and constructive notice of the work site conditions, the
23 instrumentalities utilized to perform the work at the project, as well as, the supervision
24 provided and/or instruction given at the project, but at all times failed to take any
25 measures to notify and/or warn Dedrick Lavergne and the general public, as well as other
26 subcontractors, of the dangerous worksite conditions, and dangerous instrumentalities

1 utilized to perform the work at the site which caused the incident that led to the injuries
2 sustained by Dedrick Lavergne.

3 16. As an actual, direct and proximate result of the Defendants' negligence,
4 and each of them, Dedrick Lavergne suffered to date and will, to a reasonable probability,
5 continue to suffer in the future, damages for pain, discomfort, suffering, disability,
6 emotional stress and anxiety.

7 17. As an actual, direct and proximate result of the Defendants' negligence,
8 and each of them, Dedrick Lavergne, suffered to date and will, to a reasonable
9 probability, continue to suffer in the future, damages for permanent scarring and
10 disfigurement.

11 18. As an actual, direct and proximate result of the Defendants' negligence,
12 and each of them, Dedrick Lavergne has incurred reasonable expenses of necessary
13 medical care, treatment and services rendered and such expenses are reasonably probable
14 to be incurred in the future.

15 19. As an actual, direct and proximate result of the Defendants' negligence,
16 and each of them, Dedrick Lavergne has lost earnings to date and will experience a
17 decrease in earning power or capacity reasonably probable to occur in the future as well
18 as other special/economic damages, past and future.

19 20. As an actual, direct and proximate result of the Defendants' negligence,
20 and each of them, Dedrick Lavergne has sustained and will sustain to a reasonable
21 probability in the future, physical, emotional, and other financial losses.

22 21. As a direct and proximate result of the negligence, carelessness, and
23 failures and omissions by the Defendants, and each of them, Dedrick Lavergne suffered
24 a loss of consortium that includes, but is not limited to: loss of society; loss of affection;
25 loss of assistance; and/or loss of marital relations.

26

1 22. Defendants' conduct, and each of them, of maintaining the premises in an
2 extremely dangerous and hazardous condition showing a conscious disregard for the
3 health, welfare, and safety of others was a direct and proximate cause of the incident that
4 resulted in severe injuries to Dedrick Lavergne.

5 23. Defendants' conduct, and each of them, constitutes extreme and outrageous
6 conduct that displays a conscious disregard for the safety of others such that a jury may
7 award punitive damages against Defendants.

8 24. Plaintiff claims that the damages in this matter meet the criteria for Tier 3
9 as specified in Rule 26.2(c)(3), Arizona Rules of Civil Procedure.

10 **WHEREFORE**, Dedrick Lavergne prays for judgment against the Defendants as
11 follows:

12 A. For general compensatory damages in a just and reasonable amount;

13 B. For the reasonable value of special damages incurred to date and
14 those that will be incurred in the future for reasonable and necessary medical care;

15 C. For the reasonable value of special damages incurred to date and
16 those that will be incurred in the future for lost earnings or wages and future lost earnings
17 or wages;

18 D. For out of pocket expenses incurred;

19 E. For loss of consortium;

20 F. For punitive damages in an amount to be proven at trial;

21 G. For court costs incurred; and

22 H. For such other and further relief as the Court deems just and
23 proper.

1 Dated: June 21, 2022

2 **BREYER LAW OFFICES, P.C.**

3 

4
5
6 Mark P. Breyer
7 Edward M. Ladley
8 3840 East Ray Road
9 Phoenix, Arizona 85044
10 Attorneys for Plaintiff

11 211331

Person/Attorney Filing: Mark P Breyer
Mailing Address: 3840 E. Ray Road
City, State, Zip Code: Phoenix, AZ 85044
Phone Number: (480)387-5747
E-Mail Address: christina@breyerlaw.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 016862, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Dedrick Lavergne

Plaintiff(s),

Case No. CV2022-007544

v.

Pinnacle Apartments SPE, LLC, et

SUMMONS

al.

Defendant(s).

To: Pinnacle Apartments SPE, LLC

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 201 W. Jefferson, Phoenix, Arizona 85003 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>. Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *June 13, 2022*

JEFF FINE
Clerk of Superior Court

By: *CECILIA CUELLAR*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

Person/Attorney Filing: Mark P Breyer
Mailing Address: 3840 E. Ray Road
City, State, Zip Code: Phoenix, AZ 85044
Phone Number: (480)387-5747
E-Mail Address: christina@breyerlaw.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 016862, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Dedrick Lavergne

Plaintiff(s),

Case No. CV2022-007544

v.

Pinnacle Apartments SPE, LLC, et

SUMMONS

al.

Defendant(s).

To: Pinnacle Apartments SPE, LLC

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Note: If you do not file electronically you will not have electronic access to the documents in this case.
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GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *June 13, 2022*

JEFF FINE
Clerk of Superior Court

By: *CECILIA CUELLAR*
Deputy Clerk



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Person/Attorney Filing: Mark P Breyer
Mailing Address: 3840 E. Ray Road
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Phone Number: (480)387-5747
E-Mail Address: christina@breyerlaw.com
[☐] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 016862, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Dedrick Lavergne
Plaintiff(s),

Case No. CV2022-007544

v.

Pinnacle Apartments SPE, LLC, et
al.
Defendant(s).

**CERTIFICATE OF
COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Maricopa County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: Mark P Breyer /s/
Plaintiff/Attorney for Plaintiff

Person/Attorney Filing: Mark P Breyer
Mailing Address: 3840 E. Ray Road
City, State, Zip Code: Phoenix, AZ 85044
Phone Number: (480)387-5747
E-Mail Address: christina@breyerlaw.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 016862, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Dedrick Lavergne

Plaintiff(s),

v.

Pinnacle Apartments SPE, LLC, et

al.

Defendant(s).

Case No. CV2022-007544

SUMMONS

To: Cortland Apartments Partnership, LLC

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

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2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 201 W. Jefferson, Phoenix, Arizona 85003 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>. Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
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Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *June 13, 2022*

JEFF FINE
Clerk of Superior Court

By: *CECILIA CUELLAR*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

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Person/Attorney Filing: Mark P Breyer
Mailing Address: 3840 E. Ray Road
City, State, Zip Code: Phoenix, AZ 85044
Phone Number: (480)387-5747
E-Mail Address: christina@breyerlaw.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 016862, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Dedrick Lavergne

Plaintiff(s),

Case No. CV2022-007544

v.

Pinnacle Apartments SPE, LLC, et

SUMMONS

al.

Defendant(s).

To: Cortland Desert Ridge

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 201 W. Jefferson, Phoenix, Arizona 85003 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>. Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *June 13, 2022*

JEFF FINE
Clerk of Superior Court

By: *CECILIA CUELLAR*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

Attorney or Party without Attorney: MARK P. BREYER (SBN 016862) BREYER LAW OFFICES, P.C. 3840 EAST RAY ROAD PHOENIX, AZ 85044 Telephone No: (480) 505-2160			For Adult Use Only SUPERIOR COURT FILED A. RODRIGUEZ, DEP 2022 JUL 29 AM 11:26	
Attorney For: Plaintiff		Ref. No. or File No.: 211331 LAVERGNE		
Insert name of Court, and Judicial District and Branch Court: MARICOPA COUNTY SUPERIOR COURT				
Plaintiff: DEDRICK LAVERGNE, AN INDIVIDUAL, Defendant: PINNACLE APTS, LLC DBA CORTLAND DESERT RIDGE; E UNION HILLS AZ PARTNERS, LLC, ET. AL.				
AFFIDAVIT OF SERVICE		Hearing Date:	Time:	Dept/Div:
				Case Number: CV2022-007544

- At the time of service I was at least 21 years of age and not a party to this action.
- I served copies of the
SUMMONS; AMENDED COMPLAINT; COMPLAINT; CERTIFICATE OF COMPULSORY ARBITRATION
- Party served: E UNION HILLS AZ PARTNERS, LLC DBA CORTLAND DESERT RIDGE
 - Person served: Valjeana Begay - Service of Process Coordinator for CSC as Statutory Agent
- Address where the party was served: 8825 N. 23RD AVENUE 100, PHOENIX, AZ 85021
- I served the party:
 - by substituted service. On: Thu, Jul 28 2022 at: 01:01 PM by leaving the copies with or in the presence of:
Valjeana Begay - Service of Process Coordinator for CSC as Statutory Agent, Native American, Female, Age: 32, Hair: Black, Eyes: Brown, Height: 5'9", Weight: 200, Description: Glasses.

(a) (Person of suitable age and discretion. Informed him or her of the general nature of the papers.

Service: \$30.00, Mileage: \$0.00, Affidavit: \$10.00, Wait: \$0.00, Fees Advanced: \$0.00, Total: \$40.00

I Declare under penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct.

- Person Executing:
 - Eric Henningsen MC-7129, Maricopa County;
 - FIRST LEGAL
3737 North 7th. Street Suite 209
PHOENIX, AZ 85014
 - (602) 248-9700

07/28/2022

(Date)

Eric Henningsen

(Signature)

- STATE OF ARIZONA, COUNTY OF MARICOPA Subscribed and sworn to (or affirmed) before on this 28 day of July, 2022 by
Eric Henningsen (MC-7129, Maricopa County) proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Angelita Zuniga

(Notary Signature)



AFFIDAVIT OF
SERVICE



ANGELITA ZUNIGA
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
COMMISSION # 555798
MY COMMISSION EXPIRES
DECEMBER 05, 2022

7428818
(10479320)

Attorney or Party without Attorney: MARK P. BREYER (SBN 016862) BREYER LAW OFFICES, P.C. 3840 EAST RAY ROAD PHOENIX, AZ 85044 Telephone No: (480) 505-2160			Superior Court Use Only SUPERIOR COURT FILED A. RODRIGUEZ, DEP 2022 JUL 29 AM 11:26	
Attorney For: Plaintiff			Ref. No. or File No.: 211331 LAVERGNE	
Insert name of Court, and Judicial District and Branch Court: MARICOPA COUNTY SUPERIOR COURT				
Plaintiff: DEDRICK LAVERGNE, AN INDIVIDUAL, Defendant: PINNACLE APTS, LLC DBA CORTLAND DESERT RIDGE; E UNION HILLS AZ PARTNERS, LLC, ET. AL				
AFFIDAVIT OF SERVICE		Hearing Date:	Time:	Dept/Div:
		Case Number: CV2022-007544		

1. At the time of service I was at least 21 years of age and not a party to this action.
2. I served copies of the
SUMMONS; AMENDED COMPLAINT; COMPLAINT; CERTIFICATE OF COMPULSORY ARBITRATION
3.
 - a. Party served: PINNACLE APTS, LLC DBA CORTLAND DESERT RIDGE
 - b. Person served: Valjeana Begay - Service of Process Coordinator for CSC as Statutory Agent
4. Address where the party was served: 8825 N. 23RD AVENUE 100, PHOENIX, AZ 85021
5. I served the party:
 - a. by substituted service. On: Thu, Jul 28 2022 at: 01:01 PM by leaving the copies with or in the presence of:
 Valjeana Begay - Service of Process Coordinator for CSC as Statutory Agent, Native American, Female, Age: 32, Hair: Black, Eyes: Brown, Height: 5'9", Weight: 200, Description: Glasses.

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Service: \$30.00, Mileage: \$0.00, Affidavit: \$10.00, Wait: \$0.00, Fees Advanced: \$0.00, Total: \$40.00

I Declare under penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct.

6. Person Executing:
 - a. Eric Henningsen MC-7129, Maricopa County;
 - b. FIRST LEGAL
 3737 North 7th Street Suite 209
 PHOENIX, AZ 85014
 - c. (602) 248-9700

07/28/2022

(Date)

Eric Henningsen

(Signature)

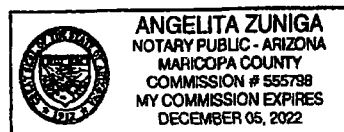
7. STATE OF ARIZONA, COUNTY OF MARICOPA Subscribed and sworn to (or affirmed) before on this 28 day of July, 2022 by
 Eric Henningsen (MC-7129, Maricopa County) proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Angelita Zuniga

(Notary Signature)



AFFIDAVIT OF
SERVICE



7428937
(10479322)

Attorney or Party without Attorney: MARK P. BREYER (SBN 016862) BREYER LAW OFFICES, P.C. 3840 EAST RAY ROAD PHOENIX, AZ 85044 Telephone No: (480) 505-2160			ST. JAMES ONLY SUPERIOR COURT FILED A. RODRIGUEZ, DEP 2022 JUL 29 AM 11:26		
Attorney For: Plaintiff	Ref. No. or File No.: 211331 LAVERGNE				
Insert name of Court, and Judicial District and Branch Court: MARICOPA COUNTY SUPERIOR COURT					
Plaintiff: DEDRICK LAVERGNE, AN INDIVIDUAL, Defendant: PINNACLE APTS, LLC DBA CORTLAND DESERT RIDGE; E UNION HILLS AZ PARTNERS, LLC, ET. AL.					
AFFIDAVIT OF SERVICE	Hearing Date:	Time:	Dept/Div:	Case Number: CV2022-007544	

- At the time of service I was at least 21 years of age and not a party to this action.
- I served copies of the SUMMONS; AMENDED COMPLAINT; COMPLAINT; CERTIFICATE OF COMPULSORY ARBITRATION
- Party served: PURE PINNACLE APTS LLC DBA CORTLAND DESERT RIDGE
 - Person served: Valjeana Begay - Service of Process Coordinator for CSC as Statutory Agent
- Address where the party was served: 8825 N. 23RD AVENUE 100, PHOENIX, AZ 85021
- I served the party:
 - by substituted service. On: Thu, Jul 28 2022 at: 01:01 PM by leaving the copies with or in the presence of:
 Valjeana Begay - Service of Process Coordinator for CSC as Statutory Agent, Native American, Female, Age: 32, Hair: Black, Eyes: Brown, Height: 5'9", Weight: 200, Description: Glasses.

(a) (Person of suitable age and discretion. Informed him or her of the general nature of the papers.

Service: \$30.00, Mileage: \$0.00, Affidavit: \$10.00, Wait: \$0.00, Fees Advanced: \$0.00, Total: \$40.00

I Declare under penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct.

- Person Executing:
 - Eric Henningsen MC-7129, Maricopa County;
 - FIRST LEGAL
 3737 North 7th. Street Suite 209
 PHOENIX, AZ 85014
 - (602) 248-9700

07/28/2022

(Date)

Eric Henningsen

(Signature)

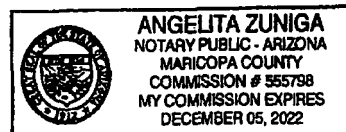
- STATE OF ARIZONA, COUNTY OF MARICOPA Subscribed and sworn to (or affirmed) before on this 28 day of July, 2022 by
 Eric Henningsen (MC-7129, Maricopa County) proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Angelita Zuniga

(Notary Signature)



AFFIDAVIT OF
SERVICE



7428947
(10479323)

Attorney or Party without Attorney: MARK P. BREYER (SBN 016862) BREYER LAW OFFICES, P.C. 3840 EAST RAY ROAD PHOENIX, AZ 85044 Telephone No: (480) 505-2160 Attorney For: Plaintiff				For Court Use Only SUPERIOR COURT FILED A. RODRIGUEZ, DEP 2022 JUL 29 AM 11:26	
Ref. No. or File No.: 211331 LAVERGNE					
Insert name of Court, and Judicial District and Branch Court: MARICOPA COUNTY SUPERIOR COURT					
Plaintiff: DEDRICK LAVERGNE, AN INDIVIDUAL, Defendant: PINNACLE APTS, LLC DBA CORTLAND DESERT RIDGE; E UNION HILLS AZ PARTNERS, LLC, ET. AL.					
AFFIDAVIT OF SERVICE		Hearing Date:	Time:	Dept/Div:	Case Number: CV2022-007544

1. At the time of service I was at least 21 years of age and not a party to this action.
2. I served copies of the
SUMMONS; AMENDED COMPLAINT; COMPLAINT; CERTIFICATE OF COMPULSORY ARBITRATION
3. a. Party served: PINNACLE APARTMENTS SPE, DBA CORTLAND DESERT RIDGE
b. Person served: Valjeana Begay - Service of Process Coordinator for ACCUSEARCH INC as Statutory Agent
4. Address where the party was served: 8825 N. 23RD AVENUE 100, PHOENIX, AZ 85021
5. I served the party:
a. by substituted service. On: Thu, Jul 28 2022 at: 01:01 PM by leaving the copies with or in the presence of:
Valjeana Begay - Service of Process Coordinator for ACCUSEARCH INC as Statutory Agent, Native American, Female,
Age: 32, Hair: Black, Eyes: Brown, Height: 5'9", Weight: 200, Description: Glasses.

(a) (Person of suitable age and discretion. Informed him or her of the general nature of the papers.

Service: \$102.55, Mileage: \$24.00, Affidavit: \$10.00, Wait: \$0.00, Fees Advanced: \$0.00, Total: \$136.55

I Declare under penalty of perjury under the laws of the State of Arizona that the foregoing is true and correct.

6. Person Executing:
 - a. Eric Henningsen MC-7129, Maricopa County;
 - b. FIRST LEGAL
3737 North 7th. Street Suite 209
PHOENIX, AZ 85014
 - c. (602) 248-9700

07/28/2022

(Date)

Eric Henningsen

(Signature)

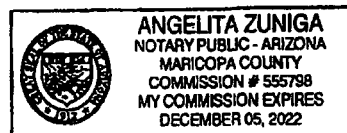
7. STATE OF ARIZONA, COUNTY OF MARICOPA Subscribed and sworn to (or affirmed) before on this 28 day of July, 2022 by
Eric Henningsen (MC-7129, Maricopa County) proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Angelita Zuniga

(Notary Signature)



AFFIDAVIT OF
SERVICE



7428960
(10479324)

CLERK OF THE
SUPERIOR COURT
FILED
A. MITTELSTAEDT, DEP

22 JUN 17 PM 1:45

L2 Professional Attorney Support Services
P.O. Box 4426
Phoenix, AZ 85030
602-423-9172

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Dedrick Lavergne
Plaintiff / Petitioner
vs

Case # CV2022-007544

Pinnacle Apartments SPE, LLC, et al
Defendant / Respondent

CERTIFICATE OF SERVICE

Leslie Salinas, the undersigned certifies under the penalty of perjury; That I am fully qualified to serve process in this case within the county in which it was served, having been so appointed by the court and have received for service the following documents in this action:
Summons; Complaint; Certificate of Compulsory Arbitration

from: The Husband & Wife Law Team on 6/15/2022

that I personally served copies of these documents on those named below in the manner and place shown; and except where noted, all services were made in Maricopa County, Arizona.

NAME: **Pinnacle Apartments SPE, LLC**
c/o Accusearch Inc. stat agent

DATE & TIME 6/16/2022 at 11:15 am
PLACE & 8825 N 23rd Ave #100, Phoenix, AZ - usual place of business
MANNER: By **Personally Serving, Valjeana Begay**, a person authorized to accept such service on their behalf

Statement of Costs

Service	\$ 85.00
Mileage	\$ -
Rush	\$
Mileage 2	\$
Witness	\$
Advances	\$
Cert. Prep	\$ -
Other	\$
TOTAL	\$ 85.00


Registered Process Server in
Maricopa County

CLERK OF THE
SUPERIOR COURT
FILED

Jr 000 DEP

22 JUN 17 PM 1:05

L2 Professional Attorney Support Services
P.O. Box 4426
Phoenix, AZ 85030
602-423-9172

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Dedrick Lavergne

Plaintiff / Petitioner

Case # CV2022-007544

vs

Pinnacle Apartments SPE, LLC, et al

Defendant / Respondent

CERTIFICATE OF SERVICE

Lisa White, the undersigned certifies under the penalty of perjury; That I am fully qualified to serve process in this case within the county in which it was served, having been so appointed by the court and have received for service the following documents in this action:
Summons; Complaint; Certificate of Compulsory Arbitration

from: The Husband & Wife Law Team on 6/15/2022

that I personally served copies of these documents on those named below in the manner and place shown; and except where noted, all services were made in Maricopa County, Arizona.

NAME: **Cortland Apartments Partnership, LLC**
c/o Hoopes, Adams & Scharber, PLC, stat agent

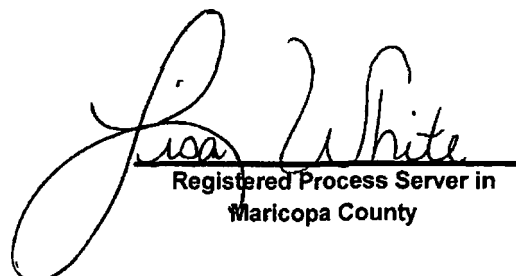
DATE & TIME 6/16/2022 at 12:55 pm

PLACE & 2410 W Ray Rd #1, Chandler, AZ - usual place of business

MANNER: By **Personally** Serving, **Yolanda Pittman**, a person authorized to accept such service on their behalf

Statement of Costs

Service	\$ 85.00
Mileage	\$ -
Rush	\$
Mileage 2	\$
Witness	\$
Advances	\$
Cert. Prep	\$ -
Other	\$
TOTAL	\$ 85.00


Registered Process Server in
Maricopa County

The above is covered by A.R.S. as amended 41-413 & 11-45 and rules 4,5, and 45

Office Distribution

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

****FILED****

01/18/2023

by Superior Court Admin
on behalf of Clerk of the
Superior Court

Ct. Admin
Deputy

01/14/2023

COURT ADMINISTRATION

Case Number: CV2022-007544

Dedrick Lavergne

V.

Pinnacle Apartments S P E, L L C

The Judge assigned to this action is the Honorable Timothy J Ryan

NOTICE OF PLACEMENT ON THE DISMISSAL CALENDAR

Pursuant to Rule 38.1(d) of the Arizona Rules of Civil Procedure, the parties and counsel are notified that this case is being placed on the dismissal calendar on 1/18/23. This case will be dismissed **without further notice on 03/20/2023** unless one of the following actions occurs prior to the date of dismissal:

1. A Joint Report and Proposed Scheduling order is filed;
2. A Comprehensive Pretrial Conference is set;
3. A final judgment, notice of decision, arbitration award, or dismissal is entered; or
4. A motion to continue on the dismissal calendar demonstrating good cause is filed and granted prior to the dismissal date.

See Rule 38.1(d)(2).

IT IS ORDERED placing this case on the dismissal calendar.

All documents required to be filed with the court should be electronically filed through Arizona Turbo Court at: www.azturbocourt.gov.

Superior Court of Maricopa County - integrated Court Information System
Endorsee Party Listing
Case Number: CV2022-007544

Party Name	Attorney Name	
Dedrick Lavergne	Mark P Breyer	Bar ID: 016862

1 Mark P. Breyer, Esq. (Bar No. 016862)
 2 Edward M. Ladley, Esq. (Bar No. 018829)
BREYER LAW OFFICES, P.C.
 3 Tel.: 3840 East Ray Road
 Phoenix, Arizona 85044
 4 (480) 584-6224
 5 minutes@breyerlaw.com

6 *Attorneys for Plaintiff*

7 **SUPERIOR COURT OF THE STATE OF ARIZONA**
 8
 9 **COUNTY OF MARICOPA**

10 DEDRICK LAVERGNE, an individual,
 11 Plaintiff,

12 vs.

13 PINNACLE APTS, LLC dba
 14 CORTLAND DESERT RIDGE; E
 15 UNION HILLS AZ PARTNERS, LLC,
 dba CORTLAND DESERT RIDGE;
 16 PURE PINNACLE APTS, LLC dba
 CORTLAND DESERT RIDGE;
 17 PINNACLE APARTMENTS SPE, LLC
 18 dba CORTLAND DESERT RIDGE, a
 foreign Limited Liability Company;
 19 CORTLAND APARTMENTS
 20 PARTNERSHIP LLC, a Domestic
 Limited Liability Company, JOHN and
 21 JANE DOES 1-5; ABC COMPANIES 1-
 22 5; ABC CORPORATIONS 1-5

23 Defendants.

Case No. CV2022-007544

**MOTION TO ALLOW PLAINTIFF
 TO FILE SECOND AMENDED
 COMPLAINT TO ADD AND
 DISMISS CERTAIN DEFENDANTS
 AND AMEND CAPTION**

Assigned to the Hon. Timothy J. Ryan

24 Plaintiff, by and through undersigned counsel, pursuant to ARCP Rule 15(a)(2),
 25 15(c), and 80(a), hereby moves the Court and requests that the Court allow Plaintiff to file
 26 his Second Amended Complaint, to add and dismiss certain Defendants, and amend the

1 Caption for the following reasons. After service of the First Amended Complaint was
2 completed, Plaintiff's counsel and counsel for the defense met and conferred, and defense
3 counsel was given an extension to answer in order to research and provide the correct party
4 Defendants to be named in this action before filing an answer. Defense counsel has
5 provided and confirmed this information, and so Plaintiff moves the Court to allow him to
6 file a Second Amended Complaint in this action, as referenced below, and also requests to
7 be allowed to add, correct and/or delete the following in the Second Amended Complaint:
8
9

10 1. Correct proper name of any and/or all Cortland Desert Ridge and/or
11 Cortland Apartments Defendants **to** Cortland Management, LLC;

12 2. Correct proper name of Defendant E Union Hills AZ Partners, LLC dba
13 Cortland Desert Ridge **to** E Union Hills AZ Partners, LLC, (DE) f/k/a Pinnacle Apts.,
14 LLC.
15

16 3. Dismiss Pinnacle Apts, LLC dba Cortland Desert Ridge; Pure Pinnacle Apts,
17 LLC dba Cortland Desert Ridge; Pinnacle Apartments SPE, LLC dba Cortland Desert
18 Ridge; and Cortland Apartments Partnership, LLC **only**, without prejudice.
19

20 4. Plaintiff may amend his Complaint to assert allegations related to and against
21 the additional/correctly named Defendants to support his claims against the
22 additional/correctly named Defendants.

23 5. Upon signing the Order, the Caption shall be amended for all future pleadings
24 to reflect the Caption of Plaintiff's Second Amended Complaint.
25
26

1 This Motion is made in good faith, and not done for the purpose of delay. A copy
2 of the proposed Second Amended Complaint is attached hereto as “**Exhibit A.**”
3

4 Dated: March 8, 2023

5 **BREYER LAW OFFICES, P.C.**

6
7 By: /s/ Edward M. Ladley
8 Mark P. Breyer, Esq.
9 Edward M. Ladley, Esq.
10 3840 East Ray Road
11 Phoenix, Arizona 85044
12 *Attorneys for Plaintiff*

11 **ORIGINAL** of the foregoing e-filed
12 this 8th day of March 2023, with:

13 Clerk of the Court
14 Maricopa County Superior Court
15 101 W. Jefferson
16 Phoenix, AZ 85003

17 By: /s/ Reina Ortega
18 Paralegal
211331

EXHIBIT A

1 Mark P. Breyer, Esq. (Bar No. 016862)
2 Edward M. Ladley, Esq. (Bar No. 018829)
3 **BREYER LAW OFFICES, P.C.**
4 3840 East Ray Road
5 Phoenix, Arizona 85044
6 480-387-5747
7 minutes@breyerlaw.com

8 *Attorneys for Plaintiff*

9
10 **SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **COUNTY OF MARICOPA**
12

13 DEDRICK LAVERGNE, an individual,

Case No. CV2022-007544

14 Plaintiff,

15 vs.

SECOND AMENDED COMPLAINT

(Tort - Premise)

16 E UNION HILLS AZ PARTNERS, LLC,
17 (DE) f/k/a Pinnacle Apts., LLC, a foreign
18 Limited Liability Company; CORTLAND
19 MANAGEMENT, LLC, a foreign Limited
20 Liability Company, JOHN and JANE
21 DOES 1-5; ABC COMPANIES 1-5; ABC
22 CORPORATIONS 1-5,

23 Defendants.

24 Plaintiff, Dedrick Lavergne, by and through undersigned counsel, for his Second
25 Amended Complaint against the Defendants named herein alleges as follows:

26 1. Plaintiff Dedrick Lavergne was, at all times relevant to this action, a
resident of Maricopa County, Arizona. At the time of the incident described herein,
Plaintiff was married and continues to be married at this time.

1 2. Defendant E Union Hills AZ Partners, LLC, (DE) f/k/a Pinnacle Apts.,
2 LLC is a foreign Limited Liability Company doing business in Maricopa County,
3 Arizona.

4 3. Defendant Cortland Management, LLC, is a foreign Limited Liability
5 Company doing business in Maricopa County, Arizona.

6 4. John and Jane Does 1-5 and ABC Corporations 1-5 are persons or entities
7 whose conduct, true names and identities are unknown at this time. Plaintiff requests
8 leave to amend this pleading when that information is discovered.
9

10 5. The acts and omissions complained of herein occurred in Maricopa County,
11 Arizona, within the jurisdiction of this Court.

12 6. Jurisdiction and venue are appropriate in this Court. The amount in
13 controversy exceeds the minimal jurisdictional limits of this Court.
14

15 7. On or about June 29, 2021, Defendant E Union Hills AZ Partners, LLC,
16 (DE) f/k/a Pinnacle Apts., LLC, and/or Defendant Cortland Management, LLC, hired
17 Blue On Electric Company and/or BG/InStaff Personnel, LLC for an electrical repair
18 project at Cortland Desert Ridge, an apartment community located at 4750 East Union
19 Hills Drive in Phoenix, Arizona ("the project").
20

21 8. On or about June 29, 2021, Plaintiff Dedrick Lavergne was working with
22 Blue On Electric Company and/or BG/InStaff Personnel, LLC, as a technician on the
23 project.
24
25
26

1 9. As part of his assigned work at the project, Plaintiff Dedrick Lavergne was
2 to disconnect the 240 volt power going into the HVAC units in order to have the Freon
3 replaced in the units. When Plaintiff Dedrick Lavergne pulled on the switch to the
4 disconnect box, he received an electric shock going from his hand up through his left eye
5 and also down and through his rectum. Plaintiff Dedrick Lavergne has permanent vision
6 loss in his left eye, in addition to other injuries, as a result of this incident.
7

8 10. The Defendants, and each of them, negligently created an unsafe condition
9 related to the HVAC electrical system and/or disconnect box. The Defendants knew or
10 should have known that they created or allowed to exist a hazardous and dangerous
11 situation in which a member of the general public could be injured as a result.
12

13 11. The condition of the project, the instrumentalities utilized at the project, as
14 well as the supervision provided and/or instruction given by the Defendants related to the
15 project on June 29, 2021, were the result of negligence, carelessness, and recklessness of
16 all the Defendants, their agents, servants and/or employees.
17

18 12. Upon information and belief, the Defendants and each of them, were aware
19 of and had both actual and constructive notice of the work site conditions, the
20 instrumentalities utilized to perform the work at the project, as well as, the supervision
21 provided and/or instruction given at the project, but at all times failed to take any
22 measures to notify and/or warn Dedrick Lavergne and the general public, as well as other
23 subcontractors, of the dangerous worksite conditions, and dangerous instrumentalities
24
25
26

1 utilized to perform the work at the site which caused the incident that led to the injuries
2 sustained by Dedrick Lavergne.

3 13. As an actual, direct and proximate result of the Defendants' negligence,
4 and each of them, Dedrick Lavergne suffered to date and will, to a reasonable probability,
5 continue to suffer in the future, damages for pain, discomfort, suffering, disability,
6 emotional stress and anxiety.

8 14. As an actual, direct and proximate result of the Defendants' negligence,
9 and each of them, Dedrick Lavergne, suffered to date and will, to a reasonable
10 probability, continue to suffer in the future, damages for permanent scarring and
11 disfigurement.

13 15. As an actual, direct and proximate result of the Defendants' negligence,
14 and each of them, Dedrick Lavergne has incurred reasonable expenses of necessary
15 medical care, treatment and services rendered and such expenses are reasonably probable
16 to be incurred in the future.

18 16. As an actual, direct and proximate result of the Defendants' negligence,
19 and each of them, Dedrick Lavergne has lost earnings to date and will experience a
20 decrease in earning power or capacity reasonably probable to occur in the future as well
21 as other special/economic damages, past and future.

23 17. As an actual, direct and proximate result of the Defendants' negligence,
24 and each of them, Dedrick Lavergne has sustained and will sustain to a reasonable
25 probability in the future, physical, emotional, and other financial losses.
26

1 18. As a direct and proximate result of the negligence, carelessness, and
2 failures and omissions by the Defendants, and each of them, Dedrick Lavergne suffered
3 a loss of consortium that includes, but is not limited to: loss of society; loss of affection;
4 loss of assistance; and/or loss of marital relations.
5

6 19. Defendants' conduct, and each of them, of maintaining the premises in an
7 extremely dangerous and hazardous condition showing a conscious disregard for the
8 health, welfare, and safety of others was a direct and proximate cause of the incident that
9 resulted in severe injuries to Dedrick Lavergne.
10

11 20. Defendants' conduct, and each of them, constitutes extreme and outrageous
12 conduct that displays a conscious disregard for the safety of others such that a jury may
13 award punitive damages against Defendants.
14

15 21. Plaintiff claims that the damages in this matter meet the criteria for Tier 3
16 as specified in Rule 26.2(c)(3), Arizona Rules of Civil Procedure.
17

18 **WHEREFORE**, Dedrick Lavergne prays for judgment against the Defendants as
19 follows:
20

21 A. For general compensatory damages in a just and reasonable amount;
22

23 B. For the reasonable value of special damages incurred to date and
24 those that will be incurred in the future for reasonable and necessary medical care;
25

26 C. For the reasonable value of special damages incurred to date and
those that will be incurred in the future for lost earnings or wages and future lost earnings
or wages;

- D. For out of pocket expenses incurred;
- E. For loss of consortium;
- F. For punitive damages in an amount to be proven at trial;
- G. For court costs incurred; and
- H. For such other and further relief as the Court deems just and proper.

Dated:

BREYER LAW OFFICES, P.C.

Mark P. Breyer
Edward M. Ladley
3840 East Ray Road
Phoenix, Arizona 85044
Attorneys for Plaintiff

211331

1 Mark P. Breyer, Esq. (Bar No. 016862)
2 Edward M. Ladley, Esq. (Bar No. 018829)
3 **BREYER LAW OFFICES, P.C.**
4 3840 East Ray Road
5 Phoenix, Arizona 85044
6 Tel.: (480) 584-6224
7 minutes@breyerlaw.com

8 *Attorneys for Plaintiff*

9 **SUPERIOR COURT OF THE STATE OF ARIZONA**
10 **COUNTY OF MARICOPA**

11 DEDRICK LAVERGNE, an individual,
12
13 Plaintiff,

14 vs.

15 PINNACLE APTS, LLC and/or E UNION
16 HILLS AZ PARTNERS, LLC, a foreign
17 Limited Liability Company dba
18 CORTLAND DESERT RIDGE;
19 PINNACLE APARTMENTS SPE, LLC
20 dba CORTLAND DESERT RIDGE, a
21 foreign Limited Liability Company;
22 CORTLAND APARTMENTS
23 PARTNERSHIP LLC, a Domestic
24 Limited Liability Company, JOHN and
25 JANE DOES 1-5; ABC COMPANIES
26 1-5; ABC CORPORATIONS 1-5,

Defendants.

Case No. CV2022-007544

**PLAINTIFF'S EXPEDITED
MOTION TO CONTINUE CASE
ON THE DISMISSAL CALENDAR**

Assigned to the Hon. Timothy J. Ryan

Plaintiff, by and through undersigned counsel, hereby makes this expedited motion and requests that the Court continue this case on the dismissal calendar for an additional 60 days, to and including May 19, 2023. Plaintiff has been working to amend the First Amended Complaint in order to name and include the appropriately named party

1 Defendants in this matter, and Plaintiff's counsel has been in contact and communication
2 with defense counsel with regard to this issue. While no Defendants have filed an Answer
3 to the First Amended Complaint, counsel for Defendants and Plaintiff's counsel have
4 conferred regarding the proper Defendants and their correct names, resulting in the need
5 to file the Second Amended Complaint. As a result, Plaintiff is also filing a Motion to
6 Allow Plaintiff to File his Second Amended Complaint, Dismiss Certain Parties, and
7 Amend Caption. For these reasons, Plaintiff requests that the Court continue the matter
8 on the dismissal calendar to allow Plaintiff to file his Second Amended Complaint (upon
9 Order signed by the Court), serve the proper Defendants, and allow for Answers to be
10 filed. This motion is made in good faith and not made for the purpose of delay.
11
12

13 Dated: March 8, 2023
14

15 **BREYER LAW OFFICES, P.C.**

16 By: /s/ Edward M. Ladley
17 Mark P. Breyer, Esq.
18 Edward M. Ladley, Esq.
19 3840 East Ray Road
20 Phoenix, Arizona 85044
Attorneys for Plaintiff

21 **ORIGINAL** of the foregoing e-filed
22 this 8th day of March, 2023 with:

23 Clerk of the Court
24 Maricopa County Superior Court
25 201 W. Jefferson
26 Phoenix, AZ 85003-2243

1 COPY of the foregoing delivered via e-filing
2 this 8th day of March, 2023 to:

3 The Honorable Timothy J. Ryan
4 Maricopa County Superior Court
5 101 W. Jefferson ECB 814
6 Phoenix, AZ 85003

7 By: /s/ Reina Ortega
8 Paralegal

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211331

Clerk of the Superior Court
*** Electronically Filed ***
03/17/2023 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-007544

03/16/2023

HONORABLE TIMOTHY J. RYAN

CLERK OF THE COURT
S. Ortega
Deputy

DEDRICK LAVERGNE

MARK P BREYER

v.

PINNACLE APARTMENTS S P E, L L C, et al.

JUDGE RYAN

MINUTE ENTRY

The Court has received Plaintiff's Expedited Motion to Continue Case on the Dismissal Calendar, filed March 8, 2023. Good cause appearing,

IT IS ORDERED approving Plaintiff's Expedited Motion, all in accordance with the formal written Order to Continue Case on Dismissal Calendar signed by the Court March 14, 2023, and filed (entered) by the Clerk March 16, 2023.

PLEASE NOTE: The Court has signed a hard-copy version of the order provided with an electronically filed pleading. After the order has been scanned and docketed by the Clerk of Court, additional copies of the order will be available through ECR Online at www.clerkofcourt.maricopa.gov and from the Public Access Terminals at the Clerk of Court's offices located throughout Maricopa County.

Clerk of the Superior Court
*** Electronically Filed ***
03/17/2023 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-007544

03/16/2023

HONORABLE TIMOTHY J. RYAN

CLERK OF THE COURT
S. Ortega
Deputy

DEDRICK LAVERGNE

MARK P BREYER

v.

PINNACLE APARTMENTS S P E, L L C, et al.

JUDGE RYAN

MINUTE ENTRY

Pursuant to the Order signed by the Court on March 14, 2023,

IT IS ORDERED directing the Clerk's Office to reflect Defendants' names as E Union Hills AZ Partners, LLC (DE) f/k/a Pinnacle Apts., LLC, a foreign Limited Liability Company; Cortland Management, LLC, a foreign Limited Liability Company, John and Jane Does 1-5; ABC Companies 1-5; and ABC Corporations 1-5 in the caption of the case.

CLERK OF THE SUPERIOR COURT

FILED
MAR 16 2023

9:45 A.M.

S. Ortega, Deputy

1 Mark P. Breyer, Esq. (Bar No. 016862)
2 Edward M. Ladley, Esq. (Bar No. 018829)
3 **BREYER LAW OFFICES, P.C.**
4 3840 East Ray Road
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7 minutes@breyerlaw.com

8 *Attorneys for Plaintiff*

9 **SUPERIOR COURT OF THE STATE OF ARIZONA**

10 **COUNTY OF MARICOPA**

11 **DEDRICK LAVERGNE, an individual,**
12 **Plaintiff,**

13 **vs.**

14 **PINNACLE APTS, LLC and/or E UNION**
15 **HILLS AZ PARTNERS, LLC, a foreign**
16 **Limited Liability Company dba**
17 **CORTLAND DESERT RIDGE;**
18 **PINNACLE APARTMENTS SPE, LLC**
19 **dba CORTLAND DESERT RIDGE, a**
20 **foreign Limited Liability Company;**
21 **CORTLAND APARTMENTS**
22 **PARTNERSHIP LLC, a Domestic**
23 **Limited Liability Company, JOHN and**
24 **JANE DOES 1-5; ABC COMPANIES**
25 **1-5; ABC CORPORATIONS 1-5,**

26 **Defendants.**

Case No.: CV2022-007544

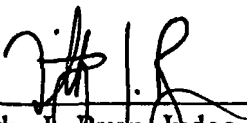
**ORDER TO CONINUE CASE ON
DISMISSAL CALENDAR**

Assigned to the Hon. Timothy J. Ryan

Pursuant to Plaintiff's Expedited Motion to Continue Case on the Dismissal
Calendar, and for good cause appearing,

1 **IT IS ORDERED** that the case shall be continued on the dismissal calendar for 60
2 days, to May 19, 2023.

3 DONE IN OPEN COURT THIS 14th DAY OF MARCH 2023.
4

5
6
7
8 
9 _____
10 Timothy J. Ryan, Judge
11 Maricopa County Superior Court
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Clerk of the Superior Court
*** Electronically Filed ***
03/20/2023 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2022-007544

03/17/2023

HONORABLE TIMOTHY J. RYAN

CLERK OF THE COURT
S. Ortega
Deputy

DEDRICK LAVERGNE

MARK P BREYER

v.

PINNACLE APARTMENTS S P E, L L C, et al.

JUDGE RYAN

MINUTE ENTRY

The Court has received Plaintiff's Motion to Allow Plaintiff to File Second Amended Complaint to Add and Dismiss Certain Defendants and Amend Caption, filed March 8, 2023. Good cause appearing,

IT IS ORDERED approving Plaintiff's Motion, all in accordance with the formal written Order signed by the Court March 14, 2023, and filed (entered) by the Clerk March 16, 2023.

PLEASE NOTE: The Court has signed a hard-copy version of the order provided with an electronically filed pleading. After the order has been scanned and docketed by the Clerk of Court, additional copies of the order will be available through ECR Online at www.clerkofcourt.maricopa.gov and from the Public Access Terminals at the Clerk of Court's offices located throughout Maricopa County.

CLERK OF THE SUPERIOR COURT
FILED

MAR 16 2023 9:44 A.M.

S. Ortega, Deputy

Mark P. Breyer, Esq. (Bar No. 016862)
Edward M. Ladley, Esq. (Bar No. 018829)
BREYER LAW OFFICES, P.C.
3840 East Ray Road
Phoenix, Arizona 85044
(480) 584-6224
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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF ARIZONA
COUNTY OF MARICOPA

Dedrick Lavergne, an individual,

Plaintiff,

Case No. CV2022-007544

vs.

ORDER

Assigned to the Hon. Timothy J. Ryan

PINNACLE APTS, LLC dba
CORTLAND DESERT RIDGE; E
UNION HILLS AZ PARTNERS, LLC,
dba CORTLAND DESERT RIDGE;
PURE PINNACLE APTS, LLC dba
CORTLAND DESERT RIDGE;
PINNACLE APARTMENTS SPE, LLC
dba CORTLAND DESERT RIDGE, a
foreign Limited Liability Company;
CORTLAND APARTMENTS
PARTNERSHIP LLC, a Domestic
Limited Liability Company, JOHN and
JANE DOES 1-5; ABC COMPANIES 1-
5; ABC CORPORATIONS 1-5

Defendants.

Having reviewed Plaintiff's Motion to Allow Plaintiff to File Second Amended
Complaint to Add and Dismiss Certain Defendants and Amend Caption, and for good cause
appearing,

IT IS HEREBY ORDERED Plaintiff shall be allowed to file his Second Amended Complaint.

IT IS FURTHER ORDERED granting the Dismissal of Defendants' Pinnacle Apts, LLC dba Cortland Desert Ridge; Pure Pinnacle Apts, LLC dba Cortland Desert Ridge; Pinnacle Apartments SPE, LLC dba Cortland Desert Ridge; and Cortland Apartments Partnership LLC, ONLY, without prejudice.

IT IS HEREBY ORDERED that the caption in this action will be amended as follows:

DEDRICK LAVERGNE, an individual,

Case No. CV2022-007544

Plaintiff,

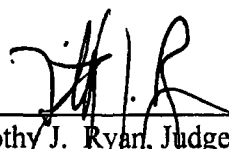
vs.

Assigned to the Hon. Timothy J. Ryan

E UNION HILLS AZ PARTNERS, LLC,
(DE) f/k/a Pinnacle Apts., LLC, a foreign
Limited Liability Company;
CORTLAND MANAGEMENT, LLC, a
foreign Limited Liability Company,
JOHN and JANE DOES 1-5; ABC
COMPANIES 1-5; ABC
CORPORATIONS 1-5,

Defendants.

Dated: 3/14/23


Timothy J. Ryan, Judge
Maricopa County Superior Court

1 Mark P. Breyer, Esq. (Bar No. 016862)
2 Edward M. Ladley, Esq. (Bar No. 018829)
3 **BREYER LAW OFFICES, P.C.**
4 3840 East Ray Road
5 Phoenix, Arizona 85044
6 480-387-5747
7 minutes@breyerlaw.com

8 *Attorneys for Plaintiff*

9 **SUPERIOR COURT OF THE STATE OF ARIZONA**

10 **COUNTY OF MARICOPA**

11 DEDRICK LAVERGNE, an individual,

Case No. CV2022-007544

12 Plaintiff,

13 vs.

SECOND AMENDED COMPLAINT

(Tort - Premise)

14 E UNION HILLS AZ PARTNERS, LLC,
15 (DE) f/k/a Pinnacle Apts., LLC, a foreign
16 Limited Liability Company; CORTLAND
17 MANAGEMENT, LLC, a foreign Limited
18 Liability Company, JOHN and JANE
DOES 1-5; ABC COMPANIES 1-5; ABC
CORPORATIONS 1-5,

19 Defendants.

20 Plaintiff, Dedrick Lavergne, by and through undersigned counsel, for his Second
21 Amended Complaint against the Defendants named herein alleges as follows:

22 1. Plaintiff Dedrick Lavergne was, at all times relevant to this action, a
23 resident of Maricopa County, Arizona. At the time of the incident described herein,
24 Plaintiff was married and continues to be married at this time.
25
26

1 2. Defendant E Union Hills AZ Partners, LLC, (DE) f/k/a Pinnacle Apts.,
2 LLC is a foreign Limited Liability Company doing business in Maricopa County,
3 Arizona.

4 3. Defendant Cortland Management, LLC, is a foreign Limited Liability
5 Company doing business in Maricopa County, Arizona.

6 4. John and Jane Does 1-5 and ABC Corporations 1-5 are persons or entities
7 whose conduct, true names and identities are unknown at this time. Plaintiff requests
8 leave to amend this pleading when that information is discovered.
9

10 5. The acts and omissions complained of herein occurred in Maricopa County,
11 Arizona, within the jurisdiction of this Court.

12 6. Jurisdiction and venue are appropriate in this Court. The amount in
13 controversy exceeds the minimal jurisdictional limits of this Court.
14

15 7. On or about June 29, 2021, Defendant E Union Hills AZ Partners, LLC,
16 (DE) f/k/a Pinnacle Apts., LLC, and/or Defendant Cortland Management, LLC, hired
17 Blue On Electric Company and/or BG/InStaff Personnel, LLC for an electrical repair
18 project at Cortland Desert Ridge, an apartment community located at 4750 East Union
19 Hills Drive in Phoenix, Arizona ("the project").
20

21 8. On or about June 29, 2021, Plaintiff Dedrick Lavergne was working with
22 Blue On Electric Company and/or BG/InStaff Personnel, LLC, as a technician on the
23 project.
24

1 9. As part of his assigned work at the project, Plaintiff Dedrick Lavergne was
2 to disconnect the 240 volt power going into the HVAC units in order to have the Freon
3 replaced in the units. When Plaintiff Dedrick Lavergne pulled on the switch to the
4 disconnect box, he received an electric shock going from his hand up through his left eye
5 and also down and through his rectum. Plaintiff Dedrick Lavergne has permanent vision
6 loss in his left eye, in addition to other injuries, as a result of this incident.
7

8 10. The Defendants, and each of them, negligently created an unsafe condition
9 related to the HVAC electrical system and/or disconnect box. The Defendants knew or
10 should have known that they created or allowed to exist a hazardous and dangerous
11 situation in which a member of the general public could be injured as a result.
12

13 11. The condition of the project, the instrumentalities utilized at the project, as
14 well as the supervision provided and/or instruction given by the Defendants related to the
15 project on June 29, 2021, were the result of negligence, carelessness, and recklessness of
16 all the Defendants, their agents, servants and/or employees.
17

18 12. Upon information and belief, the Defendants and each of them, were aware
19 of and had both actual and constructive notice of the work site conditions, the
20 instrumentalities utilized to perform the work at the project, as well as, the supervision
21 provided and/or instruction given at the project, but at all times failed to take any
22 measures to notify and/or warn Dedrick Lavergne and the general public, as well as other
23 subcontractors, of the dangerous worksite conditions, and dangerous instrumentalities
24
25
26

1 utilized to perform the work at the site which caused the incident that led to the injuries
2 sustained by Dedrick Lavergne.

3 13. As an actual, direct and proximate result of the Defendants' negligence,
4 and each of them, Dedrick Lavergne suffered to date and will, to a reasonable probability,
5 continue to suffer in the future, damages for pain, discomfort, suffering, disability,
6 emotional stress and anxiety.
7

8 14. As an actual, direct and proximate result of the Defendants' negligence,
9 and each of them, Dedrick Lavergne, suffered to date and will, to a reasonable
10 probability, continue to suffer in the future, damages for permanent scarring and
11 disfigurement.
12

13 15. As an actual, direct and proximate result of the Defendants' negligence,
14 and each of them, Dedrick Lavergne has incurred reasonable expenses of necessary
15 medical care, treatment and services rendered and such expenses are reasonably probable
16 to be incurred in the future.
17

18 16. As an actual, direct and proximate result of the Defendants' negligence,
19 and each of them, Dedrick Lavergne has lost earnings to date and will experience a
20 decrease in earning power or capacity reasonably probable to occur in the future as well
21 as other special/economic damages, past and future.
22

23 17. As an actual, direct and proximate result of the Defendants' negligence,
24 and each of them, Dedrick Lavergne has sustained and will sustain to a reasonable
25 probability in the future, physical, emotional, and other financial losses.
26

1 18. As a direct and proximate result of the negligence, carelessness, and
2 failures and omissions by the Defendants, and each of them, Dedrick Lavergne suffered
3 a loss of consortium that includes, but is not limited to: loss of society; loss of affection;
4 loss of assistance; and/or loss of marital relations.
5

6 19. Defendants' conduct, and each of them, of maintaining the premises in an
7 extremely dangerous and hazardous condition showing a conscious disregard for the
8 health, welfare, and safety of others was a direct and proximate cause of the incident that
9 resulted in severe injuries to Dedrick Lavergne.
10

11 20. Defendants' conduct, and each of them, constitutes extreme and outrageous
12 conduct that displays a conscious disregard for the safety of others such that a jury may
13 award punitive damages against Defendants.
14

15 21. Plaintiff claims that the damages in this matter meet the criteria for Tier 3
16 as specified in Rule 26.2(c)(3), Arizona Rules of Civil Procedure.
17

18 **WHEREFORE**, Dedrick Lavergne prays for judgment against the Defendants as
19 follows:
20

21 A. For general compensatory damages in a just and reasonable amount;
22

23 B. For the reasonable value of special damages incurred to date and
24 those that will be incurred in the future for reasonable and necessary medical care;
25

26 C. For the reasonable value of special damages incurred to date and
those that will be incurred in the future for lost earnings or wages and future lost earnings
or wages;

- 1 D. For out of pocket expenses incurred;
2 E. For loss of consortium;
3 F. For punitive damages in an amount to be proven at trial;
4 G. For court costs incurred; and
5 H. For such other and further relief as the Court deems just and proper.
6

7 Dated: 03/20/2023
8

9 **BREYER LAW OFFICES, P.C.**

10 /s/ Edward M. Ladley
11 Mark P. Breyer
12 Edward M. Ladley
13 3840 East Ray Road
Phoenix, Arizona 85044
Attorneys for Plaintiff

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1 Mark P. Breyer, Esq. (Bar No. 016862)
2 Edward M. Ladley, Esq. (Bar No. 018829)
3 **BREYER LAW OFFICES, P.C.**
4 3840 East Ray Road
5 Phoenix, Arizona 85044
6 Tel.: (480) 584-6224

7 *Attorneys for Plaintiff*

8 **SUPERIOR COURT OF THE STATE OF ARIZONA**

9 **COUNTY OF MARICOPA**

10 **DEDRICK LAVERGNE, an individual,**

Case No. CV2022-007544

11 **Plaintiff,**

12 **vs.**

**ACCEPTANCE OF SERVICE FOR
DEFENDANTS E UNION HILLS AZ
PARTNERS, LLC F/K/A
PINNACLE APTS., LLC AND
CORTLAND MANAGEMENT, LLC**

13 **E UNION HILLS AZ PARTNERS, LLC,**
14 **(DE) f/k/a Pinnacle Apts., LLC, a foreign**
15 **Limited Liability Company;**
16 **CORTLAND MANAGEMENT, LLC, a**
17 **foreign Limited Liability Company,**
18 **JOHN and JANE DOES 1-5; ABC**
COMPANIES 1-5; ABC
CORPORATIONS 1-5,

19 **Defendants.**

20 **Eric L. Cook, Esq. and Lewis Brisbois, attorneys for Defendants E Union Hills AZ**
21 **Partners, LLC f/k/a Pinnacle Apts., LLC And Cortland Management, LLC in the above-**
22 **entitled action, do hereby accept service of process in this action and acknowledge receipt**
23 **of a copy of the Second Amended Complaint, as though the same has been served upon**
24
25
26

1 these defendants by the Sheriff or other person duly appointed or authorized by law to
2 serve process.

3 Dated: 4/24/2023

4 LEWIS BRISBOIS

5 By: 

6 Eric L. Cook, Esq.

7 Phoenix Plaza Tower II

8 2929 North Central Avenue, Suite 1700

9 Phoenix, AZ 85012

10 *Attorney for Defendants E Union Hills AZ*

11 *Partners, LLC f/k/a Pinnacle Apts., LLC and*

12 *Cortland Management, LLC*

13 Original of the foregoing e-filed

14 This 21st day of April 2023, with:

15 Clerk of the Court - Maricopa County Superior Court

16 Copy of the foregoing e-served

17 This 21st day of April 2023, to:

18 Mark P. Breyer, Esq.

19 Edward M. Ladley, Esq.

20 **BREYER LAW OFFICES, P.C.**

21 3840 East Ray Road

22 Phoenix, Arizona 85044

23 *Attorneys for Plaintiff*

24 Eric L. Cook, Esq.

25 Lewis Brisbois

26 Phoenix Plaza Tower II

2929 North Central Avenue, Suite 1700

Phoenix, AZ 85012

*Attorney for Defendants E Union Hills AZ Partners, LLC f/k/a Pinnacle Apts., LLC and
Cortland Management, LLC*